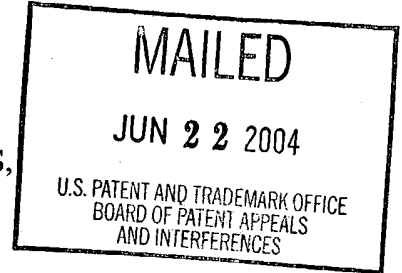


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PIERRE JEANVOINE,
TANGUY MASSART, RAMON R. CUARTAS,
ARMANDO R. RODRIGUES and
JUAN-ANDRES NUNEZ HERNANDEZ



Appeal No. 2004-1028
Application No. 09/381,631

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH, Administrative Patent Judge, and KRATZ, Administrative Patent Judge.

Per Curiam.

On May 28, 2004, counsel for the appellant filed a Request for Continuation Examination (RCE) under 37 CFR § 1.114. Pursuant to the Notice entitled, "Request for Continued Examination Practice and Changes in Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a Request for Continued Examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a


Appeal No. 2004-1028
Application No. 09/381,631

decision on appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."


Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be deemed appropriate.

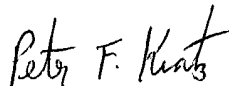
DISMISSED



GARY V. HARKCOM, Acting Chief
Administrative Patent Judge



WILLIAM F. SMITH
Administrative Patent Judge



PETER F. KRATZ
Administrative Patent Judge

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